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SERVICES. LLC a/k/a HPM DIVISION  
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9 **UNITED STATES DISTRICT COURT**  
10 **SOUTHERN DISTRICT OF CALIFORNIA**  
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12 WELLTEC MACHINERY USA, INC., a  
California corporation as assignee of  
13 WELLTEC MACHINERY LIMITED a Hong  
Kong registered Company,

14 Plaintiff,

15 v.

16 TAYLOR'S INDUSTRIAL SERVICES, LLC  
17 a/k/a HPM DIVISION, and DOES 1  
THROUGH 100,

18 Defendants.  
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CASE NO. 08 CV 0877 BEN LSP

**NOTICE OF MOTION BY DEFENDANT  
TAYLOR'S INDUSTRIAL SERVICES, LLC  
TO DISMISS; OR IN THE ALTERNATIVE,  
TRANSFER VENUE OR STAY  
PROCEEDINGS PENDING ARBITRATION**

Date: June 30, 2008

Time: 10:30 a.m.

Dept: Courtroom 3

Honorable Roger T. Benitez

Complaint Filed: January 28, 2008

21 **TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**  
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23 NOTICE IS HEREBY GIVEN that on June 30, 2008 at 10:30 a.m., or as soon thereafter  
24 as the matter may be heard in the above-entitled Court, located at 940 Front Street, San  
25 Diego California, Defendant Taylor's Industrial Services, LLC ("Taylor's") will specially  
26 appear to move for an order dismissing this action in its entirety under Fed. R. Civ. P.  
27 12(b)(2) for lack of personal and under Fed. R. Civ. P. 12(b)(3) improper venue. The motion  
28 to dismiss is also made on the grounds that the there is a valid, binding agreement between

1 the Taylor's and Plaintiffs Welltec Machinery U.S.A. and Welltec Machinery Limited  
2 requiring the parties to settle this dispute by arbitration.

3 In the alternative, Taylor's moves for an order transferring this matter to the Southern  
4 District of Ohio - the proper venue for this case. In the alternative, Taylor's moves for an  
5 order staying this case pending arbitration of the matters between the parties.

6 Taylor's further moves for an immediate and preliminary stay on this action pending  
7 the Court's consideration of this motion.

8 This motion is based on this Notice of Motion and Motion, the accompanying  
9 supporting Memorandum of Points and Authorities, the Declaration of Chris Filos, and  
10 exhibits attached thereto, and the Proposed Order, all the pleadings and papers on file in  
11 this action, and such other and further evidence and argument that may be presented to the  
12 Court at or before the time of the hearing.

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14 DATED: May 23, 2008

SOLOMON WARD SEIDENWURM & SMITH, LLP

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16 By: /s/ Tanya M. Schierling  
17 TANYA M. SCHIERLING  
18 MICHAEL M. VASSEGHI  
Attorneys for TAYLOR'S INDUSTRIAL  
SERVICES. LLC a/k/a HPM DIVISION  
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